		SUPERIOR COURT	
1	Larry A. Hammond, 004049	SUPERIOR COURT YAYAPAT COUNTY, ARIZONA	
2	Anne M. Chapman, 025965	2010 JAN -8 PM 3: 42	
,	OSBORN MALEDON, P.A.		
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10	- Commontant Company		
	Attorneys for Defendant		
11			
12	IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF YAVAPAI		
13	IN AND FOR THE C	OUNIT OF TAVAPAI	
	STATE OF ARIZONA	) No. P1300CR20081339	
14		)	
15	Plaintiff,	) Division 6	
1.		)	
16	VS.	) REPLY IN SUPPORT OF	
17	STEVEN CARROLL DEMOCKER,	<ul><li>) MOTION IN LIMINE RE PRIOR</li><li>) ACTS EVIDENCE</li></ul>	
18	STEVEN CARROLL DEMOCRER,	) ACISEVIDENCE	
	Defendant.	, )	
19		)	
20		)	
21		)	
		) }	
22		/	
23	Rule 15.1(b)(7) of the Rules of Criminal Procedure provides that the State shall		
	II		

disclose within thirty (30) days "a list of all prior acts of the defendant which the prosecutor intends to use to prove motive, intent, or knowledge or otherwise use at trial." The State has never done this. Nonetheless, the State has responded to this motion by declaring that they intend to offer an incredible array of gossip, rumor and

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innuendo disguised as Rule 404(b) evidence, and have asked this Court to set an evidentiary hearing on that request. No such hearing should be set unless and until the State complies with Rule 15.1, and makes a showing that such acts are not precluded by Rule 404(b) that they are relevant pursuant to Rule 402, and that they are not subject to exclusion pursuant to Rule 403 as unfairly prejudicial when weighed against any alleged probative value. Further, the fact that the State has waited until the filing of this motion and less than four (4) months from the start of trial to raise most of these issues for the first time without any attempt to comply with the disclosure rules involving the proposed use of such evidence is an independent reason for this Court to act now to stop this process in its tracks. To allow the State to press on with this effort to replace actual evidence of guilt with the worst sort of salacious and scandalous attacks on Mr. DeMocker's character in the guise of 404(b) will surely result in a dogfight on the eve of trial about this issue. That can be avoided right now with an order in limine precluding this evidence, as requested.

DATED this 8th day of January, 2010.

By:

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Attorneys for Defendant

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3	ORIGINAL of the foregoing filed
4	this 8 <sup>th</sup> day of January, 2010, with:
5	Jeanne Hicks
6	Clerk of the Court Yavapai County Superior Court
7	120 S. Cortez
8	Prescott, AZ 86303
9	COPIES of the foregoing hand delivered this 8 <sup>th</sup> day of January, 2010, to:
10	
11	The Hon. Thomas B. Lindberg Judge of the Superior Court
12	Division Six 120 S. Cortez
13	Prescott, AZ 86303
14	
15	Joseph Butner, Esq.
16	Office of the Yavapai County Attorney Prescott courthouse drawer
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19	- William
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